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EXAMINER

BRANDT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/759,597

Applicant(s)

DONALD ET AL.

Examiner

Christopher M. Brandt

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) 90-94 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 90-94 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Correction of Inventorship Under 37 CFR 1.48(a), Sufficient

In view of papers filed on December 5, 2006, it has been found that this nonprovisional application, as filed through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of Isabel Ge Mahe as co-inventor.

Priority

Receipt is acknowledged of papers submitted claiming the benefit of U.S. Provisional Application No. 60/455,178 filed on 3/16/2003 and U.S. Provisional Application No. 60/479,392 filed on 6/17/2003, which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statements submitted on 4/21/2004, 6/21/2004, 11/23/2004, 5/13/2005, 5/16/2005, 2/21/2006, 3/28/2006, and 5/31/2006 have been considered by the Examiner and made of record in the application file.

Election/Restrictions

Newly submitted claims 90-94 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 1-89 are drawn to short message service (SMS), classified in class 455, subclass 466.

Claims 90-94 are drawn power conservation, classified in 455, subclass 574.

This invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 90-94 are withdrawn from consideration as being directed to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23, 25-28, 51-52, 74 are rejected under 35 USC 102(e) as being anticipated by Rukman (US PG PUB 2004/0185883 A1).

Consider claim 23. Rukman discloses a method for displaying a plurality of related messages in a receiving apparatus, the method comprising (paragraph 45):

receiving a current message in the receiving apparatus from a sending apparatus, the receiving and sending apparatuses having different sending and receiving messaging applications (paragraphs 35, 44, read as message 315 is directed to device 104 in "TO" line 316 and, the telephone number for device 102 in "From" line 317 identifies message 315 as originating at device 102. It is noted that in paragraph 35, Rukman discloses that device 104 is MMS-capable and device 102 is SMS-capable, therefore these device have different sending and receiving messaging applications);

determining whether to thread the current message into a message thread comprising messages between the sending and receiving apparatuses (paragraph 47, with each reply message, gateway 113 or device 104 may add another "RE:" to the subject line to indicate that the message is a further reply to a previous message. The use of the same subject line with one or more "RE:" indications allows MMS device 104 to organize the related messages and to display them as conversation or message threads to the user); and

displaying the message thread in the receiving message application (paragraph 45, read as device 104 can organize and thread messages 301 and 315 with any other related messages for display to the user).

Consider claim 51. Rukman discloses a system for exchanging a plurality of SMS (Short Message Service) messages between a first device and a second device (paragraph 48), comprising:

the first device for sending a current SMS message to a second device, and
determining whether to thread the current SMS message into a first SMS message thread according to outgoing SMS message rules (paragraph 32, read as after exchanging several MMS messages, devices 104 and 114 can group messages 201, 202, 204 together for the user using the information in subject lines 202, 204, 206. The messages can be further organized, which then allows the user to observe message "threads" in which several related MMS messages form a conversation. Alternatively, once the MMS messages with related subject lines are identified, they can be organized using other parameters (i.e. rules). It is also noted that, although Rukman teaches MMS messages in this embodiment, it is clear that Rukman also discloses SMS messages); and

the second device for receiving the current SMS message, and threading the current SMS message into a second SMS message thread according to incoming SMS message rules (paragraph 32, read as after exchanging several MMS messages, devices 104 and 114 can group messages 201, 202, 204 together for the user using the information in subject lines 202, 204, 206. The messages can be further organized, which then allows the user to observe message "threads" in which several related MMS messages form a conversation. Alternatively, once the MMS messages with related subject lines are identified, they can be organized using other parameters (i.e. rules). It is also noted that, although Rukman teaches MMS messages in this embodiment, it is clear that Rukman also discloses SMS messages).

Consider claims 25 and 26 and as applied to claims 23 and 25, respectively. Rukman discloses the method wherein one of the plurality of messages are transported in a protocol that does not correlate messages (paragraphs 48, 49).

Consider claim 27 and as applied to claim 23. Rukman discloses the method wherein the message thread comprises a plurality of SMS (Short Message Service) messages (paragraphs 35, 45).

Consider claim 28 and as applied to claim 23. Rukman discloses the method wherein the message thread comprises a plurality of MMS (Multimedia Messaging Service) messages (paragraphs 35, 45).

Consider claim 52 and as applied to claim 51. Rukman discloses the system wherein the outgoing SMS message rules include a rule that generates a thread responsive to receiving a reply message to the current message (paragraph 25).

Consider claim 74 and as applied to claim 23. Rukman discloses the method wherein determining whether to thread is performed in accordance with one or more threading rules (paragraph 33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-15, 17-19, 21-22, 24, 30-45, 48-50, 53-63, 65, 68-73 75-89 are rejected under 35 USC 103(a) as being unpatentable over Rukman (US PG PUB 2004/0185883 A1) in view of Walsh et al. (US PG PUB 2003/0114174, hereinafter Walsh).

Consider claim 1. Rukman discloses a method for displaying a plurality of related SMS (Short Message Service) messages comprising (paragraph 45):

reviewing a plurality of SMS messages associated with a first party (paragraphs 14, 28, 32, 42, read as gateway 113 receives reply message 311 and analyzes "To" information 312 to determine how to route the message. Fig. 4 illustrates a series (i.e. plurality) of messages and replies);

determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread, the one or more SMS messages also associated with a second party (paragraph 42, gateway 113 recognizes the pseudo telephone number and determines which previous messages are associated with the pseudo telephone number. Gateway 113 preferably maintains a list or database that tracks which incoming and outgoing messages have been associated with the pseudo telephone number) ; and

displaying the SMS message thread (paragraph 45, read as device 104 can organize and thread messages 301 and 315 with any other related messages for display to the user).

Rukman discloses the claimed invention except he does not explicitly teach **outputting** (Rukman discloses threading messages with any other related messages for display to the user, paragraph 45).

However, Walsh discloses **outputting** (paragraphs 18-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method of Rukman in order to be able to output the message thread (paragraphs 18, 19).

Consider **claim 30**. Rukman discloses a device for displaying a plurality of related SMS (Short Messaging Service) messages (paragraph 45), comprising:

a SMS message database to store a plurality of SMS messages associated with a first party (paragraph 25, read as SMS message store 108 may be used by SMS 101 to store SMS messages); and

a threading module, coupled in communication with the SMS message database, the threading module determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread, the one or more SMS messages associated with a second party, and to display the SMS message thread (paragraph 42, gateway 113 recognizes the pseudo telephone number and determines which previous messages are associated with the pseudo telephone number. Gateway 113 preferably maintains a list or databases that tracks which incoming and outgoing messages have been associated with the pseudo telephone number. It is noted that from Fig. 1 the SMS store and gateway 113 are coupled. In addition, device 104 is also couple to this network).

Rukman discloses the claimed invention except he does not explicitly teach **outputting** (Rukman discloses threading messages with any other related messages for **display** to the user, paragraph 45).

However, Walsh discloses **outputting** (paragraphs 18-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method of Rukman in order to be able to output the message thread (paragraphs 18, 19).

Consider **claim 53**. Rukman discloses a computer product, comprising:

a computer-readable medium having computer program instructions and data embodied thereon for displaying a plurality of related SMS (short message service) (paragraph 45),

comprising:

reviewing a plurality of SMS messages associated with a first party (paragraphs 14, 28, 32, 42, read as gateway 113 receives reply message 311 and analyzes "To" information 312 to determine how to route the message. Fig. 4 illustrates a series (i.e. plurality) of messages and replies);

determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread, the one or more SMS messages associated with a second party (paragraph 42, gateway 113 recognizes the pseudo telephone number and determines which previous messages are associated with the pseudo telephone number. Gateway 113 preferably maintains a list or database that tracks which incoming and outgoing messages have been associated with the pseudo telephone number); and

displaying the SMS message thread (paragraph 45, read as device 104 can organize and thread messages 301 and 315 with any other related messages for display to the user).

Rukman discloses the claimed invention except he does not explicitly teach **outputting** (Rukman discloses threading messages with any other related messages for display to the user, paragraph 45).

However, Walsh discloses **outputting** (paragraphs 18-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method of Rukman in order to be able to output the message thread (paragraphs 18, 19).

Consider claim 85. Rukman discloses a method for displaying a plurality of related messages on a handheld device (paragraph 45), comprising:

reviewing a plurality of messages received by the handheld device and associated with a first party (paragraphs 14, 28, 32, 42, read as gateway 113 receives reply message 311 and analyzes "To" information 312 to determine how to route the message. Fig. 4 illustrates a series (i.e. plurality) of messages and replies);

determining whether to thread one or more messages from the plurality of messages into an message thread, the one or more messages also associated with a second party (paragraph 42, gateway 113 recognizes the pseudo telephone number and determines which previous messages are associated with the pseudo telephone number. Gateway 113 preferably maintains a list or database that tracks which incoming and outgoing messages have been associated with the pseudo telephone number); and

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displaying the message thread (paragraph 45, read as device 104 can organize and thread messages 301 and 315 with any other related messages for display to the user).

Rukman discloses the claimed invention except he does not explicitly teach outputting (Rukman discloses threading messages with any other related messages for display to the user, paragraph 45).

However, Walsh discloses outputting (paragraphs 18-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method of Rukman in order to be able to output the message thread (paragraphs 18, 19).

Consider claim 2 and as applied to claim 1. Rukman discloses the method wherein at least one of the SMS messages associated with the second party comprises a reply message (paragraphs 27, 28).

Consider claim 3 and as applied to claim 1. Rukman discloses the method wherein at least one of the SMS messages associated with the second party comprises a message other than a reply message (27, 28).

Consider claim 4 and as applied to claim 1. Rukman discloses the method wherein the determining whether to thread further comprises: searching the one or more SMS messages based on a first identifier associated with the second party (paragraph 35).

Consider claim 5 and as applied to claim 4. (paragraph 35) discloses the method wherein the first identifier comprises a telephone number.

Consider claim 6 and as applied to claim 4. Rukman and Walsh disclose the method wherein the first identifier comprises one from the group of a telephone number and an SMS address (Walsh; paragraphs 22, 60).

Consider claim 7 and as applied to claim 4. Rukman and Walsh disclose the method further comprising: storing the plurality of SMS messages associated with the first party in a persistent storage device (Walsh; paragraph 18).

Consider claim 8 and as applied to claim 1. Rukman and Walsh disclose the method wherein the first party is a sender of one of the second party SMS messages and the second party is the receiver (Walsh; paragraph 21).

Consider claim 9 and as applied to claim 1. Rukman and Walsh disclose the method wherein the first party is a receiver of one of the second party SMS messages and the second party is the sender (paragraph 21).

Consider claim 10 and as applied to claim 1. The combination of Rukman and Walsh disclose the method further comprising: receiving a current SMS message from the second party; and determining whether to thread the current message into the SMS message thread.

Consider claim 11 and as applied to claim 1. Rukman discloses the method wherein the determining whether to thread comprises: applying a set of incoming SMS message rules to incoming SMS messages, and a set of outgoing SMS message rules to outgoing SMS messages (paragraph 33).

Consider claim 12 and as applied to claim 1. Rukman and Walsh disclose the method wherein the determining whether to thread comprises: applying a set of incoming SMS message

rules to define thread characteristics, the set of incoming SMS message rules including a rule to prevent threading if the second party is a non-threaded party (paragraph 50).

Consider claim 13 and as applied to claim 11. Rukman and Walsh disclose the method wherein the non-threaded party comprises a broadcasting party (paragraph 50).

Consider claim 14 and as applied to claim 1. Rukman and Walsh disclose the method wherein the determining whether to thread comprises: applying a set of incoming SMS message rules to define thread characteristics, wherein the set of incoming SMS message rules including a rule to verify the second party as a threaded party (paragraph 50).

Consider claim 15 and as applied to claim 14. Rukman and Walsh disclose the method wherein the verification rule verifies the second party if the second party matches an entry in a phone book (Walsh; paragraphs 23, 74).

Consider claim 17 and as applied to claim 1. Rukman discloses the method wherein correlating further comprises: applying a set of SMS message rules to define thread characteristics, wherein the set of SMS message rules including a rule to define the order in which SMS messages are threaded (paragraph 33).

Consider claim 18 and as applied to claim 1. Rukman and Walsh disclose the method wherein the outputting the SMS message thread comprises: outputting the SMS message thread to an SMS application for display in a threaded format (paragraph 45).

Consider claim 21 and as applied to claim 18. The combination of Rukman and Walsh disclose the method wherein outputting further comprises: formatting messages originated by the first party in a first display format; and formatting messages originated by the second party in a second display format.

Consider claim 22 and as applied to claim 1. Rukman discloses the method further comprising: displaying the SMS messages (paragraph 45).

Consider claim 24 and as applied to claim 23. Rukman discloses the claimed invention except he fails to explicitly mention wherein at least one of the sending and receiving applications comprises an instant messaging application.

However, Walsh discloses wherein at least one of the sending and receiving applications comprises an instant messaging application (paragraph 16, read as short message service center 68 functions to direct text information to one or more messaging applications, such as a short text instant messaging application 70).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method of Rukman in order to identify a thread of text message communication between two or more messaging devices such as mobile telephone 54 and text messaging device 56 (paragraph 17)

Consider claim 31 and as applied to claim 30. Rukman discloses the device wherein one of the second party SMS messages comprises a reply message (paragraphs 27, 28).

Consider claim 32 and as applied to claim 30. Rukman discloses the device wherein the one of the second party SMS messages comprises a message other than a reply message (paragraphs 27, 28).

Consider claim 33 and as applied to claim 30. Rukman discloses the device wherein the threading module searches an SMS message database based on a first identifier associated with the second party (paragraph 35).

Consider claim 34 and as applied to claim 33. Rukman discloses the device wherein the first identifier comprises a telephone number (paragraph 35).

Consider claim 35 and as applied to claim 33. Rukman and Walsh disclose the device wherein the first identifier comprises an SMS address (Walsh; paragraphs 22, 60).

Consider claim 36 and as applied to claim 33. Rukman and Walsh disclose the device wherein the threading module retrieves a second identification for the second party, wherein the SMS message thread comprises SMS messages associated with both the first and second identifications (paragraphs 33, 35).

Consider claim 37 and as applied to claim 30. Rukman and Walsh disclose the device wherein the first party is a sender of one of the second party SMS messages and the second party is the receiver (paragraph 21).

Consider claim 38 and as applied to claim 30. Rukman and Walsh disclose the device wherein the first party is a receiver of one of the second party SMS messages and the second party is a sender (paragraph 21).

Consider claim 39 and as applied to claim 30. The combination of Rukman and Walsh disclose the device wherein the threading module receives a current SMS message from the second party, and determines whether to thread the current message into the SMS message thread.

Consider claim 40 and as applied to claim 30. Rukman discloses the device wherein the threading module further comprises a threading engine to apply to a set of incoming SMS message rules to incoming SMS messages and a set of outgoing SMS message rules to outgoing SMS messages (paragraph 33).

Consider claim 41 and as applied to claim 30. Rukman and Walsh disclose the device wherein the threading module further comprises a threading engine to apply a set of incoming SMS message rules to define thread characteristics, the set of incoming SMS message rules including a rule to prevent threading if the second party is a non-threaded party (paragraph 50).

Consider claim 42 and as applied to claim 39. Rukman and Walsh disclose the device wherein the threading module further comprises a threading engine to apply a set of incoming SMS message rules to define thread characteristics, wherein the set of incoming SMS message rules including a rule to verify the second party as a threaded party (paragraph 50).

Consider claim 43 and as applied to claim 40. Rukman and Walsh disclose the device wherein the verification rule verifies the second party if the second party matches an entry in a phone book (Walsh; paragraphs 22, 74).

Consider claim 44 and as applied to claim 30. Rukman and Walsh disclose the device wherein the threading module further comprises a threading engine to applying a set of SMS message rules to define thread characteristics, wherein the set of SMS message rules comprises a rule to prevent expired SMS messages from being threaded (paragraph 50).

Consider claim 45 and as applied to claim 30. Rukman discloses the device wherein the threading module further comprises a threading engine to applying a set of SMS message rules to define thread characteristics, wherein the set of SMS message rules including a rule to define the order in which SMS messages are threaded (paragraph 33).

Consider claim 48 and as applied to claim 30. Rukman and Walsh disclose the device further comprising: a PDA (Personal Digital Assistant) to display the SMS messages (paragraph 14).

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Consider claim 49 and as applied to claim 30. Rukman and Walsh disclose the device further comprising: a message device to display the SMS messages (paragraph 14).

Consider claim 50 and as applied to claim 30. Rukman discloses the device further comprising: a mobile device to display the SMS messages (paragraph 45).

Consider claim 54 and as applied to claim 53. Rukman discloses the computer product wherein at least one of the SMS messages associated with the second party comprises a reply message that has yet to be transmitted (27, 28).

Consider claim 55 and as applied to claim 53. Rukman discloses the computer product wherein at least one of the SMS messages associated with the second party comprises a message other than a reply message (paragraphs 27, 28).

Consider claim 56 and as applied to claim 53. Rukman discloses the computer product wherein the identifying comprises: searching the one or more SMS messages based on a first identifier associated with the second party (paragraph 35).

Consider claim 57 and as applied to claim 56. Rukman discloses the computer product wherein the first identifier comprises a telephone number (paragraph 35).

Consider claim 58 and as applied to claim 56. Rukman and Walsh disclose the computer product wherein the first identifier comprises an SMS address (Walsh; paragraphs 22, 60).

Consider claim 59 and as applied to claim 53. Rukman discloses the computer product further comprising: retrieving a second identification for the second party, wherein the SMS message thread comprises SMS messages associated with both the first and second identifications (paragraphs 33, 35).

Consider claim 60 and as applied to claim 53. Rukman and Walsh disclose the computer product wherein determining whether to thread further comprises: applying a set of incoming SMS message rules to incoming SMS messages, and a set of outgoing SMS message rules to outgoing SMS messages (paragraph 33).

Consider claim 61 and as applied to claim 53. Rukman discloses the computer product wherein the determining whether to thread further comprises: applying a set of incoming SMS message rules to define thread characteristics, the set of incoming SMS message rules including a rule to prevent threading if the second party is a non-threaded party (paragraph 50).

Consider claim 62 and as applied to claim 53. Rukman discloses the computer product wherein the determining whether to thread comprises: applying a set of incoming SMS message rules to define thread characteristics, wherein the set of incoming SMS message rules including a rule to verify the second party as a threaded party (paragraph 50).

Consider claim 63 and as applied to claim 62. Rukman and Walsh disclose the computer product wherein the verification rule verifies the second party if the second party's unique identification matches an entry in a phone book (paragraph 22, 74).

Consider claim 65 and as applied to claim 53. Rukman discloses the computer product wherein the determining whether to thread further comprises: applying a set of SMS message rules to define thread characteristics, wherein the set of SMS message rules including a rule to define the order in which SMS messages are threaded (paragraph 33).

Consider claim 68 and as applied to claim 1. Rukman discloses the method further receiving and threading at least one MMS message (paragraph 35, 45).

Consider claim 69 and as applied to claim 1. The combination of Rukman and Walsh disclose the method further comprising receiving and threading at least one EMS message.

Consider claim 70 and as applied to claim 1. Rukman and Walsh discloses the method further comprising receiving and threading at least one message using a data protocol capable of encapsulating messages for transport between networked devices (paragraphs 48, 49).

Consider claim 71 and as applied to claim 1. Rukman and Walsh disclose the method wherein determining whether to thread is performed without user input (paragraph 74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method Rukman in order to facilitate replies to short text messages (paragraph 74).

Consider claim 72 and as applied to claim 1. Rukman discloses the method wherein determining whether to thread is performed in accordance with one or more threading rules (paragraph 33).

Consider claim 73 and as applied to claim 23. Rukman discloses the claimed invention except he fails to explicitly teach wherein determining whether to thread is performed without user input.

However, Walsh discloses wherein determining whether to thread is performed without user input (paragraph 74, read as short message reply method 100 and short text instant messaging application 70 allow a message thread to be automatically identified without user interaction).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method Rukman in order to facilitate replies to short text messages (paragraph 74).

Consider claim 75 and as applied to claim 30. Rukman discloses the device further comprising receiving and threading at least one MMS message (paragraph; 35, 45).

Consider claim 76 and as applied to claim 30. The combination of Rukman and Walsh disclose the device further comprising receiving and threading at least one EMS message.

Consider claim 77 and as applied to claim 30. Rukman discloses the device further comprising receiving and threading at least one message using a data protocol capable of encapsulating messages for transport between networked devices (paragraphs 48, 49).

Consider claim 78 and as applied to claim 30. Rukman and Walsh disclose the device wherein determining whether to thread is performed without user input (Walsh; paragraph 74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method Rukman in order to facilitate replies to short text messages (paragraph 74).

Consider claim 79 and as applied to claim 30. Rukman discloses the method wherein determining whether to thread is performed in accordance with one or more threading rules (paragraph 33).

Consider claim 80 and as applied to claim 53. Rukman discloses the computer product further comprising receiving and threading at least one MMS message (paragraphs 35, 45).

Consider claim 81 and as applied to claim 53. The combination of Rukman and Walsh disclose the computer product further comprising receiving and threading at least one EMS message.

Consider claim 82 and as applied to claim 53. Walsh discloses the computer product further comprising receiving and threading at least one message using a data protocol capable of encapsulating messages for transport between networked devices (paragraphs 48, 49).

Consider claim 83 and as applied to claim 53. Rukman and Walsh discloses the computer product wherein determining whether to thread is performed without user input (Walsh; paragraph 74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method Rukman in order to facilitate replies to short text messages (paragraph 74).

Consider claim 84 and as applied to claim 53. Rukman discloses the method wherein determining whether to thread is performed in accordance with one or more threading rules (paragraph 33).

Consider claim 86 and as applied to claim 85. Rukman discloses the method further comprising receiving and threading at least one MMS message (35, 45).

Consider claim 87 and as applied to claim 85. The combination of Rukman and Walsh disclose the method further comprising receiving and threading at least one EMS message.

Consider claim 88 and as applied to claim 85. Rukman and Walsh disclose the method wherein determining whether to thread is performed without user input (Walsh; paragraph 74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method Rukman in order to facilitate replies to short text messages (paragraph 74).

Consider claim 89 and as applied to claim 85. Rukman discloses the method wherein determining whether to thread is performed in accordance with one or more threading rules (paragraph 33).

Claims 16, 19, 46-47, 64, 66-67 are rejected under 35 USC 103(a) as being unpatentable over Rukman (US PG PUB 2004/0185883 A1) in view of Walsh et al. (US PG PUB 2003/0114174) and further in view of Kraft (US PG PUB 2001/0006889 A1).

Consider claims 16 and 64 and as applied to claims 1 and 53, respectively. Rukman and Walsh disclose the claimed invention except they fail to explicitly teach wherein the correlating further comprises: applying a set of SMS message rules to define thread characteristics, wherein the set of SMS message rules comprises a rule to prevent expired SMS messages from being threaded.

However, Kraft discloses wherein the correlating further comprises: applying a set of SMS message rules to define thread characteristics, wherein the set of SMS message rules comprises a rule to prevent expired SMS messages from being threaded (paragraph 79, read as if the history is truncated from the end before saved).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Kraft into the inventions of Rukman and Walsh in order truncate history so that outbox can support newer messages (not the oldest, paragraph 79).

Consider claims 19, 47 and 67 and as applied to claims 18, 46, and 66, respectively.

Rukman and Walsh disclose the claimed invention except they fail to explicitly teach the device further comprising: the SMS application to display an icon to represent a threaded SMS.

However, Kraft discloses the device further comprising: the SMS application to display an icon to represent a threaded SMS (paragraphs 32, 60, read as an animating icon 103 presenting the application).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Kraft into the inventions of Rukman and Walsh in order for the user to recognize it (paragraph 32).

Consider claims 46 and 66 and as applied to claims 30 and 53, respectively. The combination of Rukman, Walsh, and Kraft disclose the device wherein the threading module outputs the SMS message thread to an SMS application for display in a threaded format.

Claim 20 is rejected under 35 USC 103(a) as being unpatentable over Rukman (US PG PUB 2004/0185883 A1) in view of Walsh et al. (US PG PUB 2003/0114174) and further in view of Kanefsky (US Patent 6,799,033 B2).

Consider claim 20 and as applied to claim 18. Rukman and Walsh disclose the claimed invention except wherein the SMS application is a network browser.

However, Kanefsky discloses wherein the SMS application is a network browser (column 6 lines 21-29, read as mobile telephone text messaging operates on a messaging device within or through a browser).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Kanefsky into the methods of Rukman and Walsh in order to send the messaging device a message notification, which may include sending a network address (column 6 lines 21-29).

Claim 29 is rejected under 35 USC 103(a) as being unpatentable over Rukman (US PG PUB 2004/0185883 A1) in view of Kraft (US PG PUB 2001/0006889 A1).

Consider claim 29 and as applied to claim 23. Rukman discloses the claimed invention except wherein the message thread comprises a plurality of e-mail messages.

However, Kraft discloses wherein the message thread comprises a plurality of e-mail messages (paragraph 29, read as the chatting does not necessarily have to be based on the use of SMS messages but could also include E-mail being converted to SMS messages at the chat server)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Kraft into the method of Rukman in order to be able forward the SMS message to the chat participants as an ordinary chat message (paragraph 29).

Conclusion

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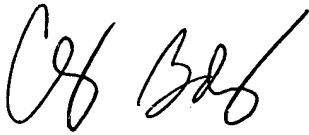
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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January 30, 2007



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